

CRESTLINE EXEMPTED VILLAGE SCHOOLS

Board of Education Administrative Offices

P.O. Box 350, 511 S. Thoman St.

Crestline, OH 44827

Telephone (419) 683-3647

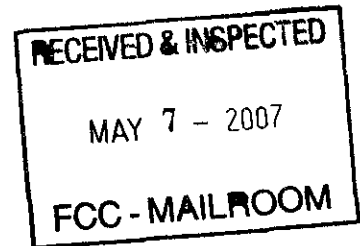
Fax (419) 683-2330

Mark S. Stock
Superintendent

Julie A. Smith
Treasurer

DOCKET FILE COPY ORIGINAL

May 4, 2007



Marlene H. Dortch, Secretary
Federal Communications Commission
Office of the Secretary
9300 East Hampton Drive
Capitol Heights, MD 20743
(8AM - 5:30PM ET)

Request for Review

CC Docket No. 02-6

CC Docket No. 96-45

Applicant Information

Billed Entity Number: 129736
Billed Entity Name: Crestline School District
Billed Entity Address: 511 South Thoman Street
Crestline, Ohio 44827-0350
Contact Person: Greg Spencer
Email Address: spencer@mecdc.org
Telephone Number: 614.989.5399
Fax Number: 614.882.2556

No. of Copies rec'd _____
List ABCDE _____

Dear Sirs,

The Crestline Exempted Village Schools respectfully submits a Request for Review of the SLD's Appeal Decision Letter dated March 6, 2007. The reason for this request for review is this error is ministerial in nature. The SLD Appeal Denial Letter states, "**USAC denies your appeal because your application did not comply with the competitive**

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bidding requirement that your Form 470 be posted on the website for 28 days prior to signing a contract or entering into an agreement for new products and/or services”.

The SLD Appeal Denial Letter is enclosed along with the entire Crestline appeal and supporting exhibits. The list of enclosures is as follows:

- Exhibit A – SLD Appeal Denial Letter
- Exhibit B – Crestline Appeal Letter to the SLD
- Exhibit 1 – PIA Initial Inquiry Email PDF
- Exhibit 2 – PIA Initial Inquiry Request Letter PDF
- Exhibit 3 – Crestline Response Email PDF
- Exhibit 4 – Crestline Response Letter PDF
- Exhibit 5 – Incorrect NCOCC Contract PDF
- Exhibit 6 – Correct NCOCC Contract PDF
- Funding Year 2006 Form 470 Application Number 428360000579257
- Funding Year 2006 Form 471 Application Number 528447

As stated in Crestline's SLD Appeal, Mr. Woodard is new to the E-Rate Program. During the web entry of the Form 471, Block 5, Mr. Woodard entered an incorrect Contract Award Date (CAD) of 02/13/2007. The Allowable Contract Date (ACD) was 2/14/2007. Exhibit 6- Correct NCOCC Contract clearly reflects 2/14/2007 as the CAD. The web entry system allowed this incorrect date to be entered with no notification or alert to the applicant. **Crestline recommends the SLD program error checking and error alerts into the web entry program for this exact situation. There are only two situations when the CAD can be dated before the ACD—1.) if there is a multi-year agreement, and 2.) if the contract is a State Master Agreement.** Otherwise, any entry of a CAD earlier than the ACD is in error and will result in a denial of funding for any applicant. Crestline fully understands its responsibility with regards to the application process; however, we also believe the SLD is culpable, as well. With the immense complexity of the E-Rate Program, it is imperative the SLD utilize all technological tools available to assist applicants with accurate web entry. An applicant alert for this situation would have yielded different results for Crestline.

FCC Appeal Letter

May 5, 2007

Page 3

Conclusion

Crestline has provided the incorrect service contract (Exhibit 5). This agreement is not relevant to the E-Rate Program and was provided in error to the PIA Review Team. The correct service contract clearly reflects a valid Contract Award Date of 2/14/2007. Based on this information, Crestline respectfully requests the FCC to overturn the SLD's Denial of Funding Decision and fully restore funding for Funding Request Number 1465260.

Sincerely,



Mark S. Stock
Superintendent
Crestline Exempted Village Schools

Exhibit A

USAC

Universal Service Administrative Company
Schools & Libraries Division

Administrator's Decision on Appeal – Funding Year 2006-2007

March 06, 2007

Mark Stock
Crestline Exempted Village Schools
P.O. Box 350
511 South Thoman Street
Crestline, OH 44827

Re: Applicant Name: CRESTLINE SCHOOL DISTRICT
Billed Entity Number: 129736
Form 471 Application Number: 528447
Funding Request Number(s): 1465260
Your Correspondence Dated: February 09, 2007

After thorough review and investigation of all relevant facts, the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (USAC) has made its decision in regard to your appeal of USAC's Funding Year 2006 Funding Commitment Decision Letter for the Application Number indicated above. This letter explains the basis of USAC's decision. The date of this letter begins the 60 day time period for appealing this decision to the Federal Communications Commission (FCC). If your Letter of Appeal included more than one Application Number, please note that you will receive a separate letter for each application.

Funding Request Number(s): 1465260
Decision on Appeal: **Denied**
Explanation:

- During the Appeal Review, USAC thoroughly assessed the facts presented in the appeal letter, the relevant documentation on file, and the FCC Rules and Procedures before making its determination on your appeal. According to our records, Crestline School District cited FCC Form 470 application number 428360000579257 on Block 5, Item 12 of the FCC Form 471. During the initial review of the Form 471, Program Integrity Assurance (PIA) contacted and informed the district that for this funding request, the Contract Award Date (February 13, 2006) for the services requested is before the Allowable Contract Date (February 14, 2006) of the cited Form 470. PIA also informed the district that the rules of this support mechanism require that the contract award date be after the Allowable Contract Award date. In addition, the district was given the

opportunity to cite an alternate Form 470 establishing the bidding for the services requested on the Form 471 in order to cure the program's violation, and was also asked to provide the contract supporting the correct Contract Award Date. In an email response dated August 14, 2006, the district verified that the referenced Form 470 is the establishing Form 470, and also provided a copy of the contract with a single signed date of July 12, 2005. As this information did not comply with the minimum required contract criteria, PIA correctly denied the submission of the contract. On appeal, you have failed to provide evidence that USAC has erred in its initial decision of the funding requests denial. Program procedures do not permit USAC to accept new information on appeal except where an applicant was not given an opportunity to provide information during the initial review or an error was made by PIA. Consequently, your appeal is denied.

- The Item 21 Attachment you provided in support of your Form 471 application, or documentation provided during review of your application, show that you selected your vendor prior to the end of the 28 day posting period. In your Receipt Notification Letter, USAC notified you that the earliest date upon which you could sign a contract or enter into an agreement (your Allowable Contract Date) was February 14, 2006. Consequently, USAC denies your appeal because your application did not comply with the competitive bidding requirement that your Form 470 be posted on the website for 28 days prior to signing a contract or entering into an agreement for new products and/or services.
- You selected your vendor for new products and/or services prior to the expiration of the 28 day posting period. FCC Rules require that except under limited circumstances, all Forms 470 received be posted on the USAC website for 28 days, and that applicants carefully consider all bids received before selecting a vendor, entering into an agreement or signing a contract, and signing and submitting a Form 471. 47 C.F.R. secs. 54.504 (a) (c), 54.511(a) and (c). FCC Rules further require that the Administrator send the applicant a confirmation when the Form 470 has been posted, and inform the applicant of the earliest date upon which they may sign a contract with the vendor it selects. 47 C.F.R. sec. 54.504(b)(4). These competitive bidding requirements help to ensure that applicants receive the lowest pre-discount price from vendors. See Federal-State Joint Board on Universal Service, CC Docket No. 96-45, Order on Reconsideration, 12 FCC Rcd 10095, 10098, FCC 97-246 para. 9 (rel. Jul. 10, 1997). New products and/or services include tariff telecommunications services that are NOT subject to an existing, binding, written contract.

If your appeal has been approved, but funding has been reduced or denied, you may appeal these decisions to either USAC or the FCC. For appeals that have been denied in full, partially approved, dismissed, or canceled, you may file an appeal with the FCC. You should refer to CC Docket No. 02-6 on the first page of your appeal to the FCC. Your appeal must be received or postmarked within 60 days of the date on this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. If you are submitting your appeal via United States Postal Service, send to: FCC, Office of the Secretary, 445 12th Street SW, Washington, DC 20554. Further information and options for filing an appeal directly with the FCC can be found in the "Appeals Procedure" posted in the Reference Area of the SLD section of the USAC website or by contacting

the Client Service Bureau. We strongly recommend that you use the electronic filing options.

We thank you for your continued support, patience and cooperation during the appeal process.

Schools and Libraries Division
Universal Service Administrative Company

Mark Stock
Crestline Exempted Village Schools
P.O. Box 350
511 South Thoman Street
Crestline, OH 44827

Billed Entity Number: 129736
Form 471 Application Number: 528447
Form 486 Application Number:

Exhibit B

CRESTLINE EXEMPTED VILLAGE SCHOOLS

Board of Education Administrative Offices

Mark S. Stock
Superintendent

P.O. Box 350, 511 S. Thoman St.
Crestline, OH 44827
Telephone (419) 683-3647
Fax (419) 683-2330

Julie A. Smith
Treasurer

February 9, 2007

Letter of Appeal

Schools and Libraries Division - Correspondence Unit
100 S. Jefferson Rd
P.O. Box 902
Whippany, NJ 07981

Dear Sirs:

This is a Letter of Appeal.

Applicant Information

Billed Entity Number: 129736
Billed Entity Name: Crestline School District
Billed Entity Address: 511 South Thoman Street
Crestline, Ohio 44827-0350
Contact Person: Dave Woodard
Email Address: Woodard.dave@ncocc.k12.oh.us
Telephone Number: 419.683.3647
Fax Number: 614.683.2330

Application Information

Funding Year: 2006
Form 470 Application Number: 428360000579257
Form 471 Application Number: 528447
Funding Request Number: 1465260
SPIN: 143024593
SPIN Name: North Central Ohio Computer Cooperative

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Letter of Appeal

The Crestline School District respectfully requests an appeal of the Funding Commitment Decision Letter dated December 12, 2006 denying Crestline Exempted Village School District's entire Funding Request Number ("FRN") 1465260 for Funding Year 2006. The reason for the denial, as stated, was **"A contract for a new service was signed prior to the required 28-day waiting period computed from the date of the posting of the Form 470 to the SLD Web Site"**.

Based on the facts set forth below, Crestline School District respectfully requests the Schools and Libraries Division (SLD) to overturn the denial of funding decision and fully reinstate the funding for Funding Year 2006.

I. Statement of Facts.

Crestline timely filed its Year 2006 FCC Form 471 prior to the February, 2006 program deadline. The application included Funding Request Number 1465260 (the "Funding Request"), requesting discounts on Internet Access services to be provided by North Central Ohio Computer Cooperative ("NCOCC"). The total Funding Request amount was \$18,569.22.

During the Program Integrity Assurance (PIA) review process, Crestline was contacted by Mr. Dennis Nielsen, a PIA reviewer. Mr. Nielsen requested Crestline submit further information about the service requested (see Exhibits 1 and 2 dated August 1, 2006). One of the items requested was a copy of the Service Contract for Internet Access with NCOCC. Mr. Dave Woodard, Crestline's Technology Coordinator, responded by an email (see Exhibits 3 and 4) dated August 14, 2006, which included a copy of the Service Contract entitled **NCOCC/H-COG Service Level Agreement and Contract FY06** (see Exhibit 5). This contract document is signed and dated by Mr. Mark Stock, Crestline's Superintendent, on July 27, 2006,—clearly outside the filing window for Funding Year 2006. This document is not the correct contract for Internet Access Services and was provided to PIA in error.

NCOCC provides several additional services on a contractual basis to Crestline in addition to Internet Access. The **NCOCC/H-COG Service Level Agreement and Contract FY06** document is the service level agreement in place for these additional services. **Exhibits B, D, and E** of this document describe the services provided under this agreement, none of which are eligible services under the E-Rate Program. There is no reference to Internet Access Services on any of these exhibits.

Mr. Woodard is new to the E-Rate Program process. To fulfill the PIA request, he requested the service contract from our Treasurer's Office and received the **NCOCC/H-COG Service Level Agreement and Contract FY06** in error. Because of his unfamiliarity with the program, he did not recognize this problem. In addition, Mr. Woodard responded to Mr. Nielsen's request for verification of the Contract Award Date (CAD) with an erroneous date of July 12, 2005, which is the signature date on the erroneous contract.

The correct information for the two items reported erroneously to Mr. Nielsen is as follows:

- **The correct CAD is February 14, 2006 which is also the Allowable Contract Date**
- **The correct service contract is entitled Service Provider Contract Internet Service (see Exhibit 6)**

II. Conclusion.

Crestline fully realizes its responsibility for the errors in the data provided to the PIA reviewer. Mr. Woodard has attended the State of Ohio E-Rate Workshops conducted by Mr. Dan Farslow, State of Ohio E-Rate Coordinator, in order to better understand the application and review process. With a 69 percent discount level, the

Letter of Appeal
Page Four
February 9, 2007

E-Rate Program is extremely important to Crestline's delivery of technology services to its students.

Crestline also believes the PIA Department has a responsibility to thoroughly review the materials provided by an applicant. Furthermore, when those materials are clearly in error there should be some communication to the applicant of this situation. The spirit of the E-Rate Program is to provide funding for education.

Based on the information provided in this Letter of Appeal, Crestline Exempted Village School District respectfully requests the Schools and Libraries Division reverse its denial of funding for Funding Request Number 1465260 and fully reinstate the funding in the amount of \$18,569.22.

Sincerely,



Mark Stock
Superintendent, Crestline Exempted Village School District

Encl: Exhibit 1 – PIA Initial Inquiry Email PDF
Exhibit 2 – PIA Initial Inquiry Request Letter PDF
Exhibit 3 – Crestline Response Email PDF
Exhibit 4 – Crestline Response Letter PDF
Exhibit 5 – Erroneous NCOCC Contract PDF
Exhibit 6 – Correct NCOCC Contract PDF
Funding Year 2006 Form 470 Application Number 428360000579257
Funding Year 2006 Form 471 Application Number 528447

Exhibit 1

From: Nielsen, Dennis [mailto:DNIELSE@sl.universalservice.org]
Sent: Tue 8/1/2006 3:46 PM
To: Woodard Dave
Subject: E-rate Application # 528447

Dear Mr. Woodard;

In accordance with our phone conversation today attached is a request for additional information concerning the E-rate application for Crestline School District.

Thank you for your cooperation and please contact me with any questions.

Dennis T Nielsen

Schools & Libraries Division

Associate Manager- Program Compliance

DNielse@sl.universalservice.org

Phone 973-581-5118

Fax 973-599-6582

Confidentiality Notice: The information in this e-mail and any attachments thereto is intended for the named recipient(s) only. This e-mail, including any attachments, may contain information that is privileged and confidential and subject to legal restrictions and penalties regarding its unauthorized disclosure or other use. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution, or the taking of any action or inaction in reliance on the contents of this e-mail and any of its attachments is **STRICTLY PROHIBITED**. If you have received this e-mail in error, please immediately notify the sender via return e-mail; delete this e-mail and all attachments from your e-mail system and your computer system and network; and destroy any paper copies you may have in your possession. Thank you for your cooperation.



Schools and Libraries Division

Aug. 1, 2006

Dave Woodard
Crestline School District
419-683-3647
471 # 528447

Response Due Date: Aug 16, 2006

As we discussed in our conversation, we are in the process of reviewing all Funding Year 2006 Form 471 applications for schools and libraries discounts to ensure that they are in compliance with the rules of the Universal Service program. I am currently in the process of reviewing your Funding Year 2006 Form 471 Application. To complete my review I need some additional information. The information needed to complete the PIA Review is listed below.

1, For FRNs 1465260 and 1466012, is the Form 470 428360000579257 on your Form 471 528447 the establishing Form 470 for services to the entity on this Form 471? **Yes or No.**

If No, please provide the information for the following bullets ONLY:

- Please provide the 15-digit Form 470 Number that did establish the bidding for the FRN. The establishing Form 470 is the specific Form 470, which was posted for that particular service for 28 days, and pursuant to which a contract was signed or an agreement was entered into.
- Also provide a copy of the full contract, signed and dated by both parties, to verify the correct CAD, and also verify if the referenced Form 470 is the establishing Form 470 for the services to the entity on this Form 471.

If Yes, proceed to Section II

Section II

You indicated the Contract Award Date (CAD) for service is 02/14/2006 for your FCC Form(s) 471 Block 5 Item 18, associated with Funding Request Number(s) (FRN) 1465260 and 1466012. Was the incorrect date entered at the time the FCC Form 471 was completed? **Yes or No.**

If No, please provide the information for the following bullet ONLY:

- The rules of this program require that the CAD be after the ACD. Please provide a copy of the full contract, signed and dated by both parties, to verify the correct CAD. If the contract is a State Master Contract, you do not have to submit a copy of the signed contract if that contract is available online or has already been submitted to PIA. Please provide us with the contract name and number of the State Master Contract. If you have already submitted the relevant contract information in connection with another review,

please provide the FCC Form 471 application number involved so that we can locate the documentation in our files. For further guidance regarding CADs, please refer to the Schools and Libraries Division website at: Step 4: Select a Service Provider (www.universalservice.org/sl/applicants/step04/default.aspx).

If Yes, proceed to Section III

Section III

Provide the following information for the following bullets:

- Provide USAC with the correct Contract Award Date.
- A copy of the full contract, signed and dated by both parties, to verify the correct CAD. If the contract is a State Master Contract, you do not have to submit a copy of the signed contract if that contract is available online or has already been submitted to PIA. Please provide us with the contract name and number of the State Master Contract. If you have already submitted the relevant contract information in connection with another review, please provide the FCC Form 471 application number involved so that we can locate the documentation in our files. For further guidance regarding CADs, please refer to the Schools and Libraries Division website at: Step 4: Select a Service Provider (www.universalservice.org/sl/applicants/step04/default.aspx).
- If your authorized representative completed the information in this document, please attach a copy of the letter of agency or another agreement between you and the consultant authorizing them to act on your behalf. If you receive assistance outside of your organization in responding to this request, please indicate this in your reply.
- Complete, sign, and return the certification (below).

CERTIFICATION

I certify that I am authorized to make the representations set forth below on behalf of Crestline School District, the entity represented on this letter, and am the most knowledgeable person with regard to the information set forth herein. I certify that for Funding Request Number(s) (FRN) 1465260 and 1466012, the Contract Award Date (CAD) is _____ as reflected on the supporting documentation for this contract. I am correcting the CAD provided on the FCC Form 471 submitted for the above listed FRNs. I acknowledge that false statements can be punished by fine or forfeiture under the Communications Act, 47 U.S.C. §§ 502, 503(b), or fine or imprisonment under Title 18 of the United States Code, 18 U.S.C. § 1001 and civil violations of the False Claims Act. I acknowledge that FCC rules provide that persons who have been convicted of criminal violations or held civilly liable for certain acts arising from their participation in the schools and libraries support mechanism are subject to suspension and debarment from the program.

I declare under penalty of perjury that the foregoing is true and correct. Executed on ____ day of _____, 2006 at _____[city], _____[state].

Signed _____ Date _____
Print Name _____
Title _____
Employer _____
Telephone Number _____
E-mail Address _____
Address _____

2. Based on your documentation FRN 1465582 is a request for Local Phone service. The documentation does not indicate the number of lines for which funding is being requested. Please indicate the number of lines for which you are requesting service for this request.

Based on your documentation FRN 1465694 is a request for Local Phone service. The documentation does not indicate the number of lines for which funding is being requested. Please indicate the number of lines for which you are requesting service for this request.

Based on your documentation FRN 1466012 is a request for Cell Phone service. The documentation does not indicate the number of lines for which funding is being requested. Please indicate the number of lines for which you are requesting service for this request.

Please fax or email the requested information to my attention. If you have any questions, please feel free to contact me.

It is important that we receive all of the information requested **within 15 calendar days** so we can complete our review. **Failure to do so may result in a reduction or denial of funding. If you need additional time to prepare your response, please let me know as soon as possible. If you are unable to provide the requested information because your school has closed or will shortly close for summer break, let me know when you will be available to respond to these questions.**

Please advise me if the Contact Person on the application(s) has changed from that on the original application. This change must include the Form 471 application number(s) and be signed by the original application's Contact Person, the original application's Authorized Person or a school official (with name and title provided).

Should you wish to cancel your Form 471 application(s), or any of your individual funding requests, please clearly indicate in your response that it is your intention to cancel an application or funding

request(s). Include in any cancellation request the Form 471 application number(s) and/or funding request number(s), and the complete name, title and signature of the authorized individual.

Thank you for your cooperation and continued support of the Universal Service Program.

Dennis Nielsen
Schools and Libraries Division
Program Integrity Assurance
Phone: 973-581-5118
FAX: 973-599-6582
E-mail address: dnielse@sl.universalservice.org

Exhibit 3

From: Woodard Dave
Sent: Mon 8/14/2006 1:56 PM
To: Nielsen, Dennis
Subject: RE: E-rate Application # 528447

Dennis:

Thank you for talking with me on the phone today. I have done some more investigation and learned that my understanding of the period of time covered in a fiscal year was faulty.

I believe that I can now answer your questions and correct the errors made on the original Funding Year 2006 Forms 470 and 471. Attached, please find a copy of your original request document ("Crestline letter.doc"), my response to that request ("Crestline-response.pdf"), the contract with NCOCC (FRN 1465260), and the contract with Verizon (FRN 1466012).

I trust that these documents will answer all of your questions and provide you with the necessary information to complete your review. If not, please contact me at any time on my cell phone (419-565-4655) or email me at woodard.dave@ncocc.k12.oh.us.

Dave Woodard
Technology Coordinator for Crestline Exempted Village Schools
NCOCC
511 S. Thoman St.
Crestline Ohio 44827
419-683-3647 (office)
419-565-4655 (cell)
419-683-2330 (fax)
woodard.dave@ncocc.k12.oh.us

Exhibit 4



Schools and Libraries Division

Aug.1, 2006

Dave Woodard
Crestline School District
419-683-3647
471 # 528447

Response Due Date: Aug 16, 2006

As we discussed in our conversation, we are in the process of reviewing all Funding Year 2006 Form 471 applications for schools and libraries discounts to ensure that they are in compliance with the rules of the Universal Service program. I am currently in the process of reviewing your Funding Year 2006 Form 471 Application. To complete my review I need some additional information. The information needed to complete the PIA Review is listed below.

1, For FRNs 1465260 and 1466012, is the Form 470 428360000579257 on your Form 471 528447 the establishing Form 470 for services to the entity on this Form 471? **Yes or No.**

→ The information for FRN 1466012 was submitted incorrectly. The establishing Form 470 for that FRN is 135070000503740. The establishing Form 470 for FRN 1465260 is 428360000579257.

If No, please provide the information for the following bullets ONLY:

- Please provide the 15-digit Form 470 Number that did establish the bidding for the FRN. The establishing Form 470 is the specific Form 470, which was posted for that particular service for 28 days, and pursuant to which a contract was signed or an agreement was entered into.

→ As recorded above, the establishing Form 470 for FRN 1466012 is 135070000503740.

- Also provide a copy of the full contract, signed and dated by both parties, to verify the correct CAD, and also verify if the referenced Form 470 is the establishing Form 470 for the services to the entity on this Form 471.

→ A copy of the full contract is attached to this email as "vzw-contrct.pdf".

If Yes, proceed to Section II

Section II

You indicated the Contract Award Date (CAD) for service is 02/14/2006 for your FCC Form(s) 471 Block 5 Item 18, associated with Funding Request Number(s) (FRN) 1465260 and 1466012. Was the incorrect date entered at the time the FCC Form 471 was completed? **Yes or No.**

An incorrect CAD was entered at the time the Form 471 was completed for those two FRNs.

If No, please provide the information for the following bullet ONLY:

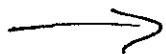
- The rules of this program require that the CAD be after the ACD. Please provide a copy of the full contract, signed and dated by both parties, to verify the correct CAD. If the contract is a State Master Contract, you do not have to submit a copy of the signed contract if that contract is available online or has already been submitted to PIA. Please provide us with the contract name and number of the State Master Contract. If you have already submitted the relevant contract information in connection with another review, please provide the FCC Form 471 application number involved so that we can locate the documentation in our files. For further guidance regarding CADs, please refer to the Schools and Libraries Division website at: Step 4: Select a Service Provider (www.universalservice.org/sl/applicants/step04/default.aspx).

If Yes, proceed to Section III

Section III

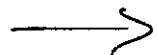
Provide the following information for the following bullets:

- Provide USAC with the correct Contract Award Date.



The correct CAD for FRN 1466012 is July 20, 2005. The correct CAD for FRN 1465260 is July 12, 2005. Please see the attached contracts for confirmation. The contracts are attached as "vzw-contrct.pdf" and "ncocc-contrct.pdf", respectively.

- A copy of the full contract, signed and dated by both parties, to verify the correct CAD. If the contract is a State Master Contract, you do not have to submit a copy of the signed contract if that contract is available online or has already been submitted to PIA. Please provide us with the contract name and number of the State Master Contract. If you have already submitted the relevant contract information in connection with another review, please provide the FCC Form 471 application number involved so that we can locate the documentation in our files. For further guidance regarding CADs, please refer to the Schools and Libraries Division website at: Step 4: Select a Service Provider (www.universalservice.org/sl/applicants/step04/default.aspx).



As stated above, the contracts are attached as "vzw-contrct.pdf" and "ncocc-contrct.pdf".

- If your authorized representative completed the information in this document, please attach a copy of the letter of agency or another agreement between you and the consultant authorizing them to act on your behalf. If you receive assistance outside of your organization in responding to this request, please indicate this in your reply.
- Complete, sign, and return the certification (below).

CERTIFICATION

I certify that I am authorized to make the representations set forth below on behalf of Crestline School District, the entity represented on this letter, and am the most knowledgeable person with regard to the information set forth herein. I certify that for Funding Request Number(s) (FRN) 1465260 and 1466012, the Contract Award Date (CAD) is 7/12/05 ? 7/20/05 as respectively reflected on the supporting documentation for this contract. I am correcting the CAD provided on the FCC Form 471 submitted for the above listed FRNs. I acknowledge that false statements can be punished by fine or forfeiture under the Communications Act, 47 U.S.C. §§ 502, 503(b), or fine or imprisonment under Title 18 of the United States Code, 18 U.S.C. § 1001 and civil violations of the False Claims Act. I acknowledge that FCC rules provide that persons who have been convicted of criminal violations or held civilly liable for certain acts arising from their participation in the schools and libraries support mechanism are subject to suspension and debarment from the program.

I declare under penalty of perjury that the foregoing is true and correct. Executed on 15th day of August, 2006 at Crestline [city], Ohio [state].

Signed [Signature] Date 8/15/06
Print Name David J. Woodward
Title Technology Coordinator
Employer NCC
Telephone Number 419-683-3647
E-mail Address woodard.d@ncc.k12.oh.us
Address 511 S. Thaman St
Crestline OH 44827

2. Based on your documentation FRN 1465582 is a request for Local Phone service. The documentation does not indicate the number of lines for which funding is being requested. Please indicate the number of lines for which you are requesting service for this request.

→ FRN 1465582 is a request for funding for three (3) lines.

Based on your documentation FRN 1465694 is a request for Local Phone service. The documentation does not indicate the number of lines for which funding is being requested. Please indicate the number of lines for which you are requesting service for this request.

→ FRN 1465694 is a request for funding for four (4) lines.

Based on your documentation FRN 1466012 is a request for Cell Phone service. The documentation does not indicate the number of lines for which funding is being requested. Please indicate the number of lines for which you are requesting service for this request.

→ FRN 1466012 is a request for funding for eight (8) lines.

Please fax or email the requested information to my attention. If you have any questions, please feel free to contact me.

It is important that we receive all of the information requested **within 15 calendar days** so we can complete our review. **Failure to do so may result in a reduction or denial of funding.** If you need **additional time to prepare your response, please let me know as soon as possible.** If you are **unable to provide the requested information because your school has closed or will shortly close for summer break, let me know when you will be available to respond to these questions.**

Please advise me if the Contact Person on the application(s) has changed from that on the original application. This change must include the Form 471 application number(s) and be signed by the original application's Contact Person, the original application's Authorized Person or a school official (with name and title provided).

Should you wish to cancel your Form 471 application(s), or any of your individual funding requests, please clearly indicate in your response that it is your intention to cancel an application or funding request(s). Include in any cancellation request the Form 471 application number(s) and/or funding request number(s), and the complete name, title and signature of the authorized individual.

Thank you for your cooperation and continued support of the Universal Service Program.

Dennis Nielsen
Schools and Libraries Division
Program Integrity Assurance
Phone: 973-581-5118
FAX: 973-599-6582
E-mail address: dnielse@sl.universalservice.org



North Central Ohio Computer Cooperative/
Heartland - Council of Governments

**NCOCC/H-COG
Service Level Agreement
and Contract
FY - 06**

NORTH CENTRAL OHIO COMPUTER COOPERATIVE/ HEARTLAND COUNCIL OF GOVERNMENTS

Services Service Level Agreement

This Computer Services Agreement ("Agreement") is made on July 1, 2005, between North Central Ohio Computer Cooperative/ Heartland Council of Governments ("NCOCC/H-COG") and «School» ("Customer"), as identified on the signature page below. As used in this Agreement, "Customer" means: 1) in the case of a public school district, the school district; or 2) in the case of a non-public school, the entity identified on the signature page of this Agreement.

WHEREAS, NCOCC/H-COG, desires to provide to Customer and Customer desires to secure from NCOCC/H-COG the services ("Services") set forth on Exhibit A attached to this Agreement and incorporated herein by reference;

NOW THEREFORE, in consideration of the mutual agreements hereinafter set forth and for other good and valuable consideration, the parties hereto, intending to be legally bound, agrees as follows:

I. TERM AND RENEWAL

- A. This Agreement shall be for the period beginning July 1, 2005 and will be in effect until terminated in writing by either the Customer or NCOCC/H-COG, subject to any specific periods described in Exhibit C attached hereto and incorporated herein by reference.
- B. Notwithstanding the foregoing, this Agreement shall not be renewed if Customer is delinquent in payments to NCOCC-H-COG at the time of the contract renewal.

II. PERFORMANCE

- A. NCOCC/H-COG shall furnish Customer such Services as are described in attached Exhibit A.
- B. Customer shall undertake its obligations set forth in attached Exhibit A.

III. CHARGES AND PAYMENT

- A. Customer agrees to be solely responsible to NCOCC/H-COG for all charges billed by NCOCC/H-COG for services provided to customer under this Agreement. Charges for the Services provided under this Agreement will be billed to Customer following the fee schedule, and all incidental or supplemental charges will be billed monthly in arrears as incurred. Where applicable, supplemental charges include charges for additional services.

- B. Payment of charges billed is due within thirty (30) days of *Customer's receipt of the invoice*. NCOCC/H-COG may at its sole discretion terminate or suspend the Services to any Customer whose payments are in arrears more than sixty (60) days.
- C. Charges are subject to change annually with the approval of the NCOCC/H-COG Board of Directors and General Assembly.
- D. Where applicable, Customer agrees to pay NCOCC/H-COG for any additional costs as set forth in Exhibit B.

IV. **WARRANTIES AND LIMITATIONS ON LIABILITY AND INDEMNIFICATION**

- A. NCOCC/H-COG shall be liable to Customer for failure to provide any services only if such failure is due to the negligence of NCOCC/H-COG. **IN NO EVENT SHALL NCOCC/H-COG BE LIABLE FOR ANY SPECIAL, INCIDENTAL, CONSEQUENTIAL, OR EXEMPLARY DAMAGES.**
- B. It is agreed that NCOCC/H-COG shall not be liable for any damages incurred as a result of the errors or omissions of Customer, its personnel, employees, agents or users.
- C. NCOCC/H-COG shall not be liable for failure to perform if such failure is due to causes or conditions beyond its control.
- D. Where the Services provided include data processing services, NCOCC/H-COG will be liable only to the extent of recreating the reports incident to such services if the same can be reasonably performed and if Customer provides NCOCC/H-COG with any source data necessary for such work. In the event such work cannot be performed for any reason, the maximum reimbursement to Customer shall not exceed the total amount, which was actually collected for such incomplete services.
- E. Customer may utilize the Services provided for educational and educational administrative related activities only. Where the Services provided include access to computer networks or public networks, NCOCC/H-COG does not warrant that the functions of the network will meet any specific Customer or user requirements, or that Services provided will be error free or uninterrupted; nor shall NCOCC/H-COG be liable for any actual damages or any indirect, incidental, special or consequential damages (including as a result of loss of data or misinformation) sustained in connection with the use, operation, or inability to use the NCOCC/H-COG network by Customer or its users. Further, Customer understands and agrees that NCOCC/H-COG will exercise no control over the information that Customer and users may transmit and access as a result of the provision of Services by NCOCC/H-COG and that, therefore, Customer will make no claim against

NCOCC/H-COG for the network uses, including transmission, downloading or uploading of information that is offensive, a violation of the law, or the actionable violation of others' rights. NCOCC/H-COG does not routinely monitor Customer's activities or pupil access to any of the interconnected systems and does not warrant the accuracy or appropriateness of any information contained in the interconnected systems. Some material contained in the interconnected systems may be inappropriate for school aged pupils.

- F. Customer, directly or through its agents, permitting pupil access to the interconnected computer system(s) through NCOCC/H-COG assumes full responsibility for any and all access to and usage of information contained on the interconnected computer systems. Customer agrees to indemnify and hold NCOCC/H-COG, its officers, members, employees and/or agents harmless from any claims, suits, liability, loss, expenses and/or damages, including alleged copyright and other intellectual property claims, sustained by any person by reason of any act of Customer or its users in their activities involving use of NCOCC/H-COG's network.
- G. NCOCC/H-COG reserves the right to discontinue Customer access to the NCOCC/H-COG network for use that it deems to be inconsistent with the purposes outlined in this Agreement. Among uses that NCOCC/H-COG considers to be inconsistent with this purpose are uses that are offensive, violate this Agreement, or violate the law, including, but not limited to, transmitting offensive or harassing statements, developing and/or transmitting offensive or unlawful graphics, transmitting sexual or ethnic slurs or jokes, soliciting or encouraging others to engage in sexual, offensive or unlawful acts, or permitting or encouraging unauthorized access to the NCOCC/H-COG network and public networks, such as the Internet.
- H. Customer understands and agrees that NCOCC/H-COG shall have no responsibility for Customer's or its users' accessing or transmitting offensive or unlawful information, interference or unlawful access to others' information or networks, or other offensive or unlawful activity in which NCOCC/H-COG's network is used. NCOCC/H-COG does reserve the right to monitor such transmissions if it determines, in its sole discretion, that such monitoring is necessary.

V. PROPERTY

- A. All tapes, disk packs, computer programs, written procedures and similar items utilized or developed in connection with this Agreement, residing at NCOCC/H-COG, are not to be considered the property of Customer.